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*Attorneys for Plaintiff*

CLERK OF THE  
DISTRICT COURT  
KRISTIE LEE BOELTER

2016 DEC 1 PM 3 30

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DEC 22 2016

Clerk, U S District Court  
District Of Montana  
Billings

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,  
YELLOWSTONE COUNTY**

ALYSHA ROSEKELLY,

Plaintiff,

v.

TESSENDERLO KERLEY, INC.,

Defendant.

Cause No.: DV 16-1665

Judge: INGRID GUSTAFSON

CU-16-176-BLG-SPW-TK

COMPLAINT AND DEMAND  
FOR JURY TRIAL

120/130694

For her complaint against Defendant, Plaintiff alleges as follows:

**COMPLAINT**

1. Plaintiff Alysha Rosekelly is an individual residing in Billings, Yellowstone County, Montana.
2. Upon information and belief, Defendant Tessenderlo Kerley, Inc., is a corporation organized and existing under the laws of the state of Delaware, engaged in business in Billings, Yellowstone County, Montana.
3. At all times relevant to this complaint, Plaintiff was employed by Defendant in Billings, Yellowstone County, Montana.

4. Without good cause and in retaliation for Plaintiff's reports of policy violations by her supervisor, Defendant terminated Plaintiff from employment on October 7, 2016.

5. At the time of her termination from employment, Plaintiff had worked for Defendant for almost five years and had completed any probationary period required by her employer or set by statute. § 39-2-945(2)(b), MCA

6. Following her termination, Plaintiff exhausted any post-termination grievance procedure through Defendant, and/or Defendant has waived the exhaustion requirement of any said grievance procedure. § 39-2-911(2)-(3), MCA.

**COUNT I – WRONGFUL DISCHARGE FROM EMPLOYMENT**

7. Plaintiff reasserts and alleges each paragraph above as if fully set forth herein.

8. Defendant terminated Plaintiff from employment without good cause and in retaliation for reporting one or more violations of public policy. § 39-2-904(1)(a)-(b), MCA.

9. Defendant violated Montana's Wrongful Discharge from Employment Act, §§ 39-2-901, MCA, *et seq*, causing Plaintiff damages, including lost wages and benefits, plus interest. § 39-2-905(1), MCA.

10. Defendant engaged in actual malice in its discharge of Plaintiff in violation of § 39-2-904(1)(a), MCA, entitling Plaintiff to punitive damages. § 39-2-905(2), MCA.

WHEREFORE, Plaintiff requests relief as follows:

1. For judgment to be entered against Defendant and in Plaintiff's favor;

2. For those damages allowed by law for the damages and losses to Plaintiff;
3. For costs and fees expended herein; and
4. For such other relief as the Court may deem just and proper.


**DEMAND FOR JURY TRIAL**

Plaintiff here demands a trial by jury on all issues raised in this complaint that are so triable.

DATED this 1<sup>st</sup> day of December, 2016.

SATHER AND HOLM, PLLC

By:



Eric E. Holm  
*Attorney for Plaintiff*